

1. By personal service.
2. By sending notice by certified or restricted certified mail, whether or not the tenant signs a receipt for the notice.

Approved May 19, 1992

CHAPTER 1212

SUBSTANTIVE CODE CORRECTIONS

S.F. 2097

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing a retroactive applicability provision, and providing effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 19B.8, Code 1991, is amended to read as follows:
19B.8 SANCTIONS.

The department of management may impose appropriate sanctions on individual state agencies, including the state board of regents and its institutions, and upon a community college, area education agency, or school district, in order to ensure compliance with state programs emphasizing equal opportunity through affirmative action, contract compliance policies, and requirements for procurement set-asides goals for targeted small businesses.

Sec. 2. Section 20.17, subsection 11, Code Supplement 1991, as amended by 1992 Iowa Acts, Senate File 2216,* section 1, is amended to read as follows:

11. a. In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are teachers licensed under chapter 260 and who are employed by a public employer which is a school district or area education agency shall complete the negotiation of a proposed collective bargaining agreement not later than April 15 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than April 15. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of April 15 to ensure that the arbitrators' decision can be reasonably made before April 15.

b. If the public employer is a community college, the following apply:

(1) The negotiation of a proposed collective bargaining agreement shall be complete not later than June 1 of the year when the agreement is to become effective, absent the existence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date. The board shall adopt rules providing for a date on which impasse items in such cases must be submitted to binding arbitration and for procedures for the completion of negotiations of proposed collective bargaining agreements not later than June 1. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of June 1 to ensure that the arbitrators' decision can be reasonably made by June 1.

(2) Notwithstanding the provisions of ~~paragraph "a"~~ subparagraph (1), the June 1 deadline may be waived by mutual agreement of the parties to the collective bargaining agreement negotiations.

*Chapter 1011 herein

Sec. 3. Section 22.7, subsection 27, Code 1991, is amended to read as follows:

27. Applications, investigation reports, and case records of persons applying for county general relief assistance pursuant to section 252.25.

Sec. 4. Section 116.23, subsections 2, 3, and 10, Code Supplement 1991, are amended to read as follows:

2. A written notice stating the nature of the charge or charges against the accused and the time and place of the hearing before the board on such the charges shall be served on the accused not less than thirty days prior to the date of hearing either personally or by mailing a copy by registered certified mail to the last known address of the accused.

3. If, after having been served with the notice of hearing, the accused fails to appear at the hearing and defend, the board may proceed to hear evidence against the accused and may enter such order as is justified by the evidence; ~~which order shall be final unless the accused petitions for its review as provided in this section. However, within thirty days from the date of any order, upon a showing of good cause for failing to appear and defend, the board may reopen the proceedings and may permit the accused to submit evidence in defense.~~

10. ~~Anyone adversely affected by an order of the board may obtain a review of that order by filing a written petition for review with the district court within thirty days after the entry of the order. The petition shall state the grounds upon which the review is asked and shall pray that the order of the board be modified or set aside in whole or in part. A copy of the petition shall be immediately served upon any member of the board and the board shall then certify and file in the court a transcript of the record upon which the order complained of was entered. Judicial review of the board's action may be sought in accordance with chapter 17A.~~

~~The case shall then be tried de novo on the record made before the board without the introduction of new or additional evidence but the parties shall be permitted to file briefs as in an ordinary case at law.~~

~~The court may affirm, modify or set aside the board's order in whole or in part, or may remand the case to the board for further evidence, and may, in its discretion, stay the effect of the board's order pending its determination of the case.~~

~~The court's decision shall have the force and effect of a decree in equity.~~

Sec. 5. Section 149.3, subsection 3, Code 1991, is amended to read as follows:

3. Pass an examination in the subjects of anatomy, chemistry, dermatology, diagnosis, pharmacy and materia medica, pathology, physiology, histology, bacteriology, neurology, practical and clinical podiatry, foot orthopedics, and others, as prescribed by the board of podiatry examiners; and must obtain a general average of at least seventy-five percent and not less than seventy percent in any one subject.

Sec. 6. Section 162.2, subsection 7, Code 1991, is amended to read as follows:

7. "Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder. However, a person who breeds or harbors more than three breeding male or female greyhounds for the purposes of using them for pari-mutuel racing shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.

Sec. 7. Section 176A.10, subsection 6, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

An extension council of an extension district may choose to be subject to the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5 for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5, for

fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such subsections must be submitted to the registered voters of the district. The question shall be submitted at the time of a state general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5, shall thereafter apply to the extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

Sec. 8. Section 232.162, Code 1991, is amended to read as follows:

232.162 AUTHORITY TO ENTER AGREEMENTS.

The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to may enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph "b" of article V of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or a subdivision or agency thereof of this state shall not be binding unless it has the approval in writing of the administrator of family and children's child and family services in the case of the state and the county general relief assistance director in the case of a subdivision of the state.

Sec. 9. Section 252.6, Code 1991, is amended to read as follows:

252.6 ENFORCEMENT OF LIABILITY.

Upon the failure of such relatives ~~so~~ to relieve assist or maintain a poor person who has made application for relief assistance, the county board of supervisors, county social welfare board, or state division of child and family services of the department of human services may apply to the district court of the county where ~~such~~ the poor person resides or may be found, for an order to compel the same assistance or maintenance.

Sec. 10. Section 252.8, Code 1991, is amended to read as follows:

252.8 SCOPE OF ORDER.

The order may be for the entire or partial support of the applicant, may be for the payment of money or the taking of the applicant to a relative's house, or may assign the applicant for a certain time to one and for another period to another, as may be is just and right, taking into view the means of the several relatives liable, but no such assignment shall be made to one who is willing to pay the amount necessary for support. If the order ~~be is~~ for relief assistance in any other form than money, it shall state the extent and value ~~thereof of the assistance~~ per week, and the time ~~such relief assistance~~ shall continue; or the order may make the time of continuance indefinite, and it may be varied from time to time by a new order, as circumstances may require, upon application to the court by the trustees, the poor person, or the relative affected, ten days' notice ~~thereof~~ being given to the party or parties concerned.

Sec. 11. Section 252.13, Code 1991, is amended to read as follows:

252.13 RECOVERY BY COUNTY.

Any county having expended any money for the relief assistance or support of a poor person, under the provisions of this chapter, may recover the same money from any of ~~that person's kindred mentioned herein, the following:~~ from ~~such~~ the poor person ~~should~~ if the person ~~become~~ becomes able, or from the person's estate; from relatives by action brought within two years from the payment of such expenses the assistance or support, from ~~such~~ the poor person by action brought within two years after ~~becoming~~ the person becomes able, and from ~~such~~ the person's estate by filing the claim as provided by law. There shall be allowed against the person's estate a claim of the sixth class for that portion of the liability to the county which exceeds the total amount of all claims of the first through the fifth classes, inclusive, as defined in section 633.425, which are allowed against that estate.

Sec. 12. Section 252.22, unnumbered paragraph 1, Code 1991, is amended to read as follows:

When relief assistance is granted to a poor person having a settlement in another county, the auditor shall at once by mail notify the auditor of the county of settlement of that fact, and, within fifteen days after receipt of the notice, the auditor shall inform the auditor of the county granting relief assistance if the claim of settlement is disputed. If it is not, the poor person, at the request of the auditor or board of supervisors of the county of settlement, may be maintained where the person then is at the expense of the county of legal settlement, and without affecting legal settlement as provided in section 252.16.

Sec. 13. Section 252.23, Code 1991, is amended to read as follows:

252.23 TRIAL.

If the alleged settlement is disputed, then, within thirty days after notice thereof as ~~above~~ provided in section 252.22, a copy of the notices sent and received shall be filed in the office of the clerk of the district court of the county against which claim is made, and a cause docketed without other pleadings, and tried as an ordinary action, in which the county affording granting the relief assistance shall be plaintiff, and the other defendant, and the burden of proof shall be upon the county granting the relief assistance.

Sec. 14. Section 252.24, Code 1991, is amended to read as follows:

252.24 COUNTY OF SETTLEMENT LIABLE.

The county where the settlement is shall be liable to the county ~~rendering relief granting~~ assistance for all reasonable charges and expenses incurred in the relief assistance and care of a poor person.

When relief as herein provided assistance is furnished by any governmental agency of the county, township, or city, such relief the assistance shall be deemed to have been furnished by the county in which such the agency is located and the agency furnishing such relief the assistance shall certify the correctness of the costs of such relief the assistance to the board of supervisors of said that county and said that county shall collect from the county of such the person's settlement. The amounts herein collected by said the county where the agency is located shall be paid to the agency furnishing such relief the assistance. This statute as herein amended shall apply applies to services and supplies furnished as provided in section 139.30.

Sec. 15. Section 252.25, Code 1991, is amended to read as follows:

252.25 COUNTY GENERAL RELIEF ASSISTANCE.

The board of supervisors of each county shall provide for the relief assistance of poor persons in its county who are ineligible for, or are in immediate need and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under such those programs. The county board shall establish general rules as its members deem necessary to properly discharge their responsibility under this section.

All applications, investigation reports, and case records of persons applying for county general relief assistance under this chapter are privileged communications and confidential, subject to use and inspection only by persons authorized by law in connection with their official duties relating to financial audits and administration of this chapter or as authorized by order of a district court. Examination of an individual's applications, reports, and records may also be authorized by a signed release from the individual.

Sec. 16. Section 252.26, Code 1991, is amended to read as follows:

252.26 GENERAL RELIEF ASSISTANCE DIRECTOR.

The board of supervisors in each county shall appoint or designate a general relief assistance director for the county, who shall have the powers and duties conferred by this chapter. In counties of one hundred thousand or less population, the county board may designate as general relief assistance director an employee of the state department of human services who is assigned to work in that county and is directed by the director of human services, pursuant to an

agreement with the county board, to exercise the functions and duties of general relief assistance director in that county. The director shall receive as compensation an amount to be determined by the county board.

Sec. 17. Section 252.27, Code 1991, is amended to read as follows:

252.27 FORM OF RELIEF ASSISTANCE — CONDITION.

The board of supervisors shall determine the form of the relief assistance. However, legal aid shall be only in civil matters and provided only through a legal aid program approved by the board of supervisors. The amount of assistance issued shall be determined by standards of assistance established by the board of supervisors. They may require any able-bodied person to work on public programs or projects at the prevailing local rate per hour in payment for and as a condition of granting relief assistance. The labor shall be performed under the direction of the officers having charge of ~~such~~ the public programs or projects. Subject to ~~the provisions of~~ section 142.1, relief assistance may consist of the burial of nonresident indigent transients and the payment of the reasonable cost of burial, not to exceed two hundred fifty dollars.

The board shall record its proceedings relating to the provision of relief assistance to specific persons under this chapter. A person who is aggrieved by a decision of the board may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in section 17A.19, subsections 2 to 8 except paragraphs "b" and "c" of subsection 8, and section 17A.20.

Sec. 18. Section 252.33, Code 1991, is amended to read as follows:

252.33 APPLICATION FOR RELIEF ASSISTANCE.

~~The poor~~ A person may make application for relief assistance to a member of the board of supervisors, or to the general relief assistance director of the county where ~~they may be the person is~~. If application ~~be is~~ made to the general relief assistance director and that officer is satisfied that the applicant is in ~~such~~ a state of want as which requires relief assistance at the public expense, the director may afford ~~such~~ temporary relief assistance, subject to the approval of the board of supervisors, as the necessities of the person require and shall immediately report the case ~~forthwith~~ to the board of supervisors, who may continue or deny relief assistance, as they find cause.

Sec. 19. Section 252.35, Code 1991, is amended to read as follows:

252.35 PAYMENT OF CLAIMS.

All claims and bills for the care and support of the poor shall be certified to be correct by the general relief assistance director and presented to the board of supervisors, and, if the board is satisfied that the claims and bills are reasonable and proper, they shall be paid.

Sec. 20. Section 252.37, Code 1991, is amended to read as follows:

252.37 APPEAL TO SUPERVISORS.

If ~~any~~ a poor person, on application to the general relief assistance director, ~~be is~~ refused the required relief assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the director to ~~afford relief~~ provide assistance, or it may direct specific relief assistance.

Sec. 21. Section 252.42, Code 1991, is amended to read as follows:

252.42 CO-OPERATION ON ~~WORK-RELIEF~~ WORK-ASSISTANCE PROJECTS.

The county board of supervisors may join and co-operate with the United States government, or ~~cities a city within their the city's boundaries~~, or both the United States government and ~~cities a city within their the city's boundaries~~, in sponsoring work projects, provided that the money used does not exceed the cost per month of supplying relief assistance to the certified persons working on projects who would be receiving direct relief assistance if they were not employed on the projects.

Sec. 22. Section 255.2, Code 1991, is amended to read as follows:

255.2 DUTY OF PUBLIC OFFICERS AND OTHERS.

~~It shall be the duty of physicians~~ Physicians, public health nurses, members of boards of supervisors, general relief assistance directors, sheriffs, police officers, and public school teachers, having knowledge of persons suffering from any such malady or deformity, ~~to~~ shall file or cause such a complaint to be filed.

Sec. 23. Section 255.6, Code 1991, is amended to read as follows:

255.6 INVESTIGATION AND REPORT.

When such a complaint is filed, the clerk of juvenile court shall furnish the county attorney and board of supervisors with a copy thereof and said the board shall, by the general relief assistance director or such other agent as it may select selects, make a thorough investigation of facts as to the legal residence of the patient, and the ability of the patient or others chargeable with the patient's support to pay the expense of such treatment and care; and shall file a report of such the investigation in the office of the clerk, at or before the time of hearing.

Sec. 24. Section 255.8, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The county attorney and the general relief assistance director, or other agent of the board of supervisors of the county where the hearing is held, shall appear thereat at the hearing. The complainant, the county attorney, the general relief assistance director or other agent of the board of supervisors, and the patient, or any person representing the patient, may introduce evidence and be heard. If the court finds that said the patient is a legal resident of Iowa and is pregnant or is suffering from a malady or deformity which can probably be improved or cured or advantageously treated by medical or surgical treatment or hospital care, and that neither the patient nor any person legally chargeable with the patient's support is able to pay the expenses thereof, then the clerk of court, except in obstetrical cases and orthopedic cases of crippled children, shall immediately ascertain from the admitting physician at the university hospital whether such the person can be received as a patient within a period of thirty days, and if the patient can be so received, the court, or in the event of no actual contest, the clerk of the court, shall then enter an order directing that said the patient be sent to the university hospital for proper medical and surgical treatment and hospital care. If the court ascertain, excepting except in obstetrical cases and orthopedic cases, that a person of the age or sex of the patient, or afflicted by the complaint, disease, or deformity with which such the person is affected afflicted, cannot be received as a patient at the university hospital within the period of thirty days, then the court or the clerk shall enter an order directing the board of supervisors of the county to provide adequate treatment at county expense for the patient at home or in a hospital. Obstetrical cases and orthopedic cases may be committed to the university hospital without regard to the limiting period of thirty days.

Sec. 25. Section 260.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Terms of office for regular appointments begin on July 1, and shall begin and end as provided in section 69.19. Terms of office for members appointed to fill vacancies shall begin on the date of appointment and end as provided in section 69.19. Members may be removed for cause by a state court with competent jurisdiction after notice and opportunity for hearing. The board may remove a member for three consecutive absences or for cause.

Sec. 26. Section 260B.1, unnumbered paragraph 3, Code 1991, is amended to read as follows:

All voting members shall be appointed by the governor, subject to confirmation by the senate. Terms of office of voting members are four years commencing on July 1 beginning and ending as provided in section 69.19.

Sec. 27. Section 279.49, Code Supplement 1991, is amended to read as follows:

279.49 CHILD DAY CARE PROGRAMS.

The board of directors of a school corporation may operate or contract for the operation of a program to provide child day care to children not enrolled in school or to students enrolled in kindergarten through grade six before and after school, or to both. The person employed to be responsible for a program operated by a board shall be an appropriately certificated teacher

under chapter 260 or the program operated by contract with the board shall be licensed as a child care center under chapter 237A. The board shall require the employment of adequate personnel for a program to meet the personnel standards adopted by the state board of education, pursuant to section 256.7, ~~subsections 13 and 14~~ subsection 13, or the department of human services, pursuant to section 237A.12, subsection 1.

The board may establish a fee for the cost of participation in a ~~before and after school child day care program authorized under this section~~. The fee shall be established pursuant to a sliding fee schedule based upon staffing costs and other expenses and a family's ability to pay. If a fee is established, the parent or guardian of a child participating in a program shall be responsible for payment of any agreed upon fee. The board may require the parent or guardian to furnish transportation of the child.

The board may utilize or make application for program subsidies from any existing day care funding streams.

Programs established under this section for ~~before and after school~~ child day care shall include, but are not limited to, parental involvement in program design and direction, activities designed to further children's physical, mental, and emotional development, and a parental education component to educate parents about the physical, mental, and emotional development of children.

Sec. 28. Section 312.2, subsection 15, Code Supplement 1991, is amended to read as follows:

15. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 601J.6, from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", an amount equal to one-twentieth of eighty percent of the revenue credited to from the road use tax fund under operation of section 423.24, subsection 1, paragraph "e" 423.7.

Notwithstanding the provisions of this subsection directing that one-twentieth of eighty percent of the revenue credited to derived from the road use tax fund under operation of section 423.24, subsection 1, paragraph "e" 423.7, be deposited into the public transit assistance fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such amount shall be deposited into the general fund of the state. There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 601J.

Sec. 29. Section 321J.4, subsection 2, Code 1991, is amended to read as follows:

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, the court shall order the department to revoke the defendant's motor vehicle license or non-resident operating privilege for a period of not less than thirty days nor more than ninety days if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 or has not otherwise been revoked for the occurrence from which the arrest arose. The court shall immediately require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order deferring judgment.

Sec. 30. Section 331.321, subsection 1, paragraph i, Code 1991, is amended to read as follows:
i. A general relief assistance director in accordance with section 252.26.

Sec. 31. Section 331.323, subsection 1, paragraph f, Code 1991, is amended to read as follows:
f. General relief assistance director

Sec. 32. Section 331.381, subsection 8, Code 1991, is amended to read as follows:

8. Administer general relief assistance for the poor in accordance with chapter 252.

Sec. 33. Section 331.604, Code Supplement 1991, as amended by 1992 Iowa Acts, House File 39,* is amended to read as follows:

*Chapter 1005 herein

331.604 GENERAL RECORDING AND FILING FEE.

1. Except as otherwise provided by state law, subsection 2, or section 331.605, subsection 2, the recorder shall collect a fee of five dollars for each page or fraction of a page of an instrument which is filed or recorded in the recorder's office. If a page or fraction of a page contains more than one transaction, the recorder shall collect the fee for each transaction.

2. A county shall not be required to pay a fee to the recorder for filing or recording instruments.

Sec. 34. Section 347.16, subsection 2, Code 1991, is amended to read as follows:

2. Free care and treatment shall be furnished in a county public hospital to any sick or injured person who fulfills the residency requirements under section 47.4, subsection 4, in the county maintaining the hospital, and who is indigent. The board of hospital trustees shall determine whether a person is indigent and entitled to free care under this subsection, or may delegate that determination to the general relief assistance director or the office of the department of human services in that county, subject to such guidelines as the board may adopt in conformity with applicable statutes.

Sec. 35. Section 428A.1, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

When each deed, instrument, or writing by which any real property in this state is granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. A declaration of value is not required for those instruments described in section 428A.2, subsections 2 to 5, 7 to 13, and 16 to 20 21, or described in section 428A.2, subsection 6, except in the case of a federal agency or instrumentality, or if a transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain.

PARAGRAPH DIVIDED. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 172C.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, the declaration of value shall include the name and address of the buyer, the name and address of the seller, a legal description of the agricultural land, and identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien. The county recorder shall not record the declaration of value, but shall enter on the declaration of value information the director of revenue and finance requires for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall enter on the declaration of value the information the director of revenue and finance requires for the production of the sales/assessment ratio study and transmit one copy of each declaration of value to the director of revenue and finance, at times as directed by the director of revenue and finance. The assessor shall retain one copy of each declaration of value for three years from December 31 of the year in which the transfer of realty for which the declaration was filed took place. The director of revenue and finance shall, upon receipt of the information required to be filed under this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value which identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section 172C.1.

Sec. 36. Section 453.14, unnumbered paragraph 3, Code 1991, is amended by striking the unnumbered paragraph.

Sec. 37. Section 504A.84, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The annual report of a domestic or foreign corporation shall be delivered to the secretary of state for filing in the secretary of state's office between the first day of May and the thirty-first day of July of each year, except that the first annual report of a domestic or foreign corporation shall be filed between the first day of May and the thirty-first day of July of the year

succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state, and except that if the existence of the domestic corporation or the authority of the foreign corporation to conduct affairs in this state began in April of any year, its first annual report shall be filed between the first day of May and the thirty-first day of July of the second year succeeding the calendar year in which the corporate existence or authority to conduct affairs began.

Sec. 38. Section 663A.9, Code 1991, is amended to read as follows:
663A.9 APPEAL.

An appeal from a final judgment entered under this chapter may be taken, perfected, and prosecuted either by the applicant or by the state in the manner and within the time after judgment as provided in the rules of appellate procedure for appeals from final judgments in criminal cases. However, if the applicant a party is seeking an appeal under section 663A.2, subsection 6, the appeal shall be by writ of certiorari.

Sec. 39. Section 815.1, Code 1991, is amended to read as follows:
815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

All costs and fees incurred in a parole revocation proceeding or in a criminal case brought against an inmate of a state institution for a crime committed while confined in the institution, or for a crime committed by the inmate while placed outside the walls or confines of the institution under the control and direction of a warden, supervisor, officer, or employee of the institution, or for a crime committed by the inmate during an escape or other unauthorized departure from the institution or from the control of a warden, supervisor, officer, or employee of the institution, or from wherever the inmate may have been placed by authorized personnel of the institution, are waived if the prosecution fails, or if the person liable to pay the costs and fees cannot pay the costs and fees. An award of attorney fees to a court-appointed attorney incurred in these cases shall be paid out of the state treasury from the general fund if the prosecution fails or if the person liable to pay the attorney fees cannot pay them. The facts shall be certified by the clerk of the district court under the clerk's seal of office to the director of inspections and appeals the department of corrections, including a statement of the amount of fees or costs incurred, approved by the presiding judge in writing. When a conviction is rendered and the court orders restitution for costs of the prosecution, the inmate, work releasee, or parolee shall make restitution to the general fund pursuant to section 910.2.

Sec. 40. TRANSITION FOR TERMS OF BOARD OF EDUCATIONAL EXAMINERS. Effective July 1, 1992, the term of each member of the board of educational examiners appointed prior to that date is shortened by changing the expiration date from June 30 to April 30 of the final year of the term.

Sec. 41. TRANSITION FOR TERMS OF HIGHER EDUCATION STRATEGIC PLANNING COUNCIL. Effective July 1, 1992, the term of each member of the higher education strategic planning council appointed prior to that date is shortened by changing the expiration date from June 30 to April 30 of the final year of the term.

Sec. 42. USE AND CREDITING OF BOND EARNINGS AND PROCEEDS. The authority granted in 1971 Iowa Acts, chapter 222, section 1, codified as section 453.14, Code 1973, applies to the use and crediting of earnings and investments of the proceeds from bonds issued on or after as well as prior to July 1, 1971.

Sec. 43. Sections 36 and 42 of this Act apply retroactively to July 1, 1971.

Sec. 44. EFFECTIVE DATE PROVISION. Section 7 and this section of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 45. CREDITS FROM ROAD USE TAX FUND TO PUBLIC TRANSIT ASSISTANCE FUND — EFFECTIVE DATES.

1. Section 28 of this Act, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes are increased from four to five percent* and applies to the revenues derived from the five percent sales, services, and use tax rate collected on or after June 1, 1992.

2. 1992 Iowa Acts, Senate File 2345,** section 25, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes remain at four percent.

Approved May 19, 1992

CHAPTER 1213

SOLID WASTE REDUCTION — CALCULATION OF GOALS

H.F. 547

AN ACT relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.306, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. A city or county required to file with the director a comprehensive plan detailing the method by which the city or county will comply with the requirements of section 455B.302 to establish and implement a comprehensive solid waste reduction program for its residents and which seeks approval of the inclusion of refuse-derived fuel as a component of its percentage of waste reduction, shall file an annual report with the director regarding the percentage of reduction attributable to refuse-derived fuel and the justification for such inclusion. The director shall approve or reject the inclusion. The percentage of reduction attributable to refuse-derived fuel and allowable for inclusion shall not exceed fifty percent and only those products established as allowable pursuant to section 455D.20 shall be included in the calculation of the waste reduction goal.

Sec. 2. Section 455D.3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 455D.1, subsection 6, facilities which employ combustion of solid waste with energy recovery and refuse-derived fuel, which are included in an approved comprehensive plan, and which were in operation prior to July 1, 1989, may include these processes in the definition of recycling for the purpose of meeting the state goal if at least thirty-five percent of the waste reduction goal, required to be met by July 1, 2000, pursuant to section 455D.3, is met through volume reduction at the source and recycling and reuse, as established pursuant to section 455B.301A, subsection 1, paragraphs "a" and "b".

Sec. 3. **NEW SECTION. 455D.20 REFUSE-DERIVED FUEL — CALCULATION AS PORTION OF WASTE REDUCTION GOAL.**

1. The commission shall adopt rules which provide for the inclusion of reduction attributable to refuse-derived fuel in the calculation of a city or county in meeting the waste reduction goal of the state. No more than fifty percent of the waste reduction requirement of a city or county shall be met through inclusion of reduction attributable to refuse-derived fuel in the calculation.

*See 2nd Ex. chapter 1001, division II herein

**Chapter 1238 herein